

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

CHRISTOPHER KLAITZ,

Plaintiff,

v.

STATE OF NEW JERSEY, et al.,

Defendants.

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Civil No. 04-529 (RBK)

ORDER

THIS MATTER having come before the Court on motion by Defendants County of Gloucester, Sheriff Gilbert L. Miller, and Shirleen R. Lindeborn (collectively “County Defendants”) for summary judgment against Plaintiff Christopher Klaitz (“Plaintiff”) and for the award of independent medical exam (“IME”) no-show fees and on County Defendants’ motion to compel Plaintiff to reimburse Dr. Maslow for missed IMEs; and the Court having considered the moving papers and the opposition thereto; and for the reasons expressed in the Opinion issued this date;

IT IS HEREBY **ORDERED** that County Defendants’ motion for summary judgment on the count that Defendant Warden Lindeborn failed to intervene in the use of excessive force against Plaintiff in violation of Plaintiff’s Eighth Amendment rights is **DENIED**;

IT IS FURTHER **ORDERED** that County Defendants’ motion for summary judgment on the count that Defendant Sheriff Miller failed to intervene in the use of excessive force against Plaintiff in violation of Plaintiff’s Eighth Amendment rights is **GRANTED**;

IT IS FURTHER **ORDERED** that County Defendants' motion for summary judgment on the count that Defendant County of Gloucester is liable for violations of Plaintiff's constitutional rights is **GRANTED**;

IT IS FURTHER **ORDERED** that County Defendants' motion to compel Plaintiff to reimburse Dr. Maslow for missed IMEs is **GRANTED**;

IT IS FURTHER **ORDERED** that Plaintiff pay the \$625.00 charged by Gregory S. Maslow, M.D. for Plaintiff's failure to appear at two scheduled IMEs.

Dated: 1/9/08

s/ Robert B. Kugler
ROBERT B. KUGLER
United States District Judge